

Serial No. 09/852995

- 6 -

Art Unit: 2167

**REMARKS**

Claim 1 has been amended to clarify that the communications application software determines "the manner of communication between the initiating party and the recipient party".

Applicants submit that Thro does not disclose the feature of causing "communications application software appropriate to the manner of the communications specified in said rule and determining the manner of communication between the initiating party and the recipient party to automatically execute at the initiating device" as claimed in Claim 1.

Thro describes a priority matrix which is developed "such that certain calls are sent, for example to its facsimile machine 24, to its answering service 22..." (Column 3 lines 53 to 55) etc.... Thro repeatedly states that the priority matrix is used to "determine how and where the notice of message should be sent" (for example, Column 4 lines 3 to 4, lines 15 to 16 and lines 47 to 50, Column 5 the paragraph beginning line 55, 118 to 122 in Figure 4 and 144 in Figure 5).

It is therefore clear Thro discloses transmitting a notice of a message to a recipient according to the priority determined by the priority matrix.

Thro does disclose that "prompting the originating party for entry of the originating priority level may be done by any of a number of methods and user interfaces, such as a telephony auto-attendant" (Column 4 Lines 5 to 8).

Applicants submit that the prompt for entry of the originating priority level is not the same as the communications application software claimed in Claim 1. The prompt is not appropriate to the manner of communications specified in said rule. Furthermore, it does not determine the manner of communication between the initiating party and the recipient party.

Rather, one skilled in the art would understand the prompt in Thro to be appropriate to the method the initiating party is using to attempt to communicate with the recipient party. Thro does not disclose adapting the method which the initiating party uses to communicate with the initiating party.

Therefore, Applicants submit that Claim 1 is not anticipated by Thro.

Serial No. 09/852995

- 7 -

Art Unit: 2167

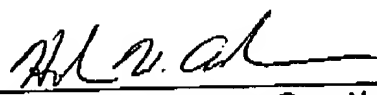
Claim 16 also recites that the communications application software determines "the manner of communication between the initiating party and the recipient party". Therefore, Applicants submit that Claim 1 is not anticipated by Thro.

Applicants submit that Claims 2 to 5, 7 to 14, 17 to 19 and 22 to 29 are not anticipated by Thro at least by virtue of their dependencies.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

February 21, 2006 

Holmes W. Anderson, Reg. No. 37272  
Attorney for Applicant  
McGuinness and Manaras LLP  
125 Nagog Park  
Acton, MA 01720  
(978) 264-6664

126-003